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C O N F I D E N T I A L BAGHDAD 000242

SIPDIS

E.O. 12958: DECL: 01/30/2020

TAGS: [PGOV](#) [IZ](#)

SUBJECT: CHIEF JUDGE EXPECTS DE-BA'ATH RULINGS IN 7 TO 10  
DAYS

Classified By: Deputy Political Counselor William Roebuck for reasons 1  
.4 (b) and (d).

[¶1.](#) (C) On January 30, Federal Supreme Court Judge Medhat al-Mahmoud told A/DCM that he expected the special seven-judge Cassation Chamber to finish its review of candidate appeals of disqualification from the official candidates list for the parliamentary elections in the next seven to ten days (o/a February 9). Mahmoud noted that the Cassation Chamber had delivered a letter to the Accountability and Justice Commission (AJC) requesting responses to a number of questions including: How was the Commission formed?; and what procedures was it following in making its decisions? (i.e. Who is making the AJC decisions?). The letter also requested the underlying facts upon which each candidate disqualification was based.

[¶2.](#) (C) Medhat said that all candidate appeals -- somewhat less than 400 -- were with the AJC Cassation Chamber, including 31 appeals which had been filed with the Electoral Judicial Panel (EJP), which hears appeals from Independent High Electoral Commission (IHEC) decisions. The EJP forwarded the cases to the Cassation Court because that court had jurisdiction over the controlling issue, whether a candidate is disqualified from government office under the AJC law. Medhat noted that the Cassation Chamber had requested the above information from the AJC on January 24 and had not received any response as of January 28. He did not specify whether the Chamber would still complete its work by February 9 if the AJC did not respond to its request for evidence.

[¶3.](#) (C) Medhat recounted that President Jalal Talabani had told him on January 27 that he wanted to ensure that the Cassation Chamber judges were not influenced during their review. Talabani also noted that it was important for IHEC to be "flexible" because of the need to allow the appeal process to be concluded before any conclusive action was taken against any candidates. Medhat indicated an awareness of the possibility of IHEC's publishing an initial list of approved candidates. A supplemental list of approved candidates, that would include all candidates who had successfully appealed their disqualifications, could be added to the ballot. It appeared that Medhat learned of this scenario from Talabani. Medhat said the only court that could grant relief to a currently disqualified candidate who sought to stop IHEC from excluding his name from the initial list of approved candidates was the EJP.

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